

CHAPTER 14 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

SECTION 14.10 INTENT

A. INTENT

The intent of this chapter is to offer an alternative to conventional development under traditional zoning districts by permitting flexibility in the regulations for development by authorizing the Planned Unit Development (PUD) Overlay District. The standards and requirements in this chapter are intended to promote and encourage innovative developments that implement the goals and objectives of the Master Plan. Further, PUDs promote coordinated, flexible, and comprehensive land planning and development for the benefit of property owners and to serve the public interest.

B. PURPOSE

The purpose of this chapter is to encourage innovative developments that achieve recognizable and substantial benefits that would not be possible under the existing base zoning classifications. These recognizable benefits include, but are not limited to, the following:

1. Encourage innovation and creativity in land use planning and development to create more desirable living, shopping, and working environments;
2. Encourage creative and imaginative approaches in the development of residential areas, especially through the complementary mixture of housing types in one development;
3. Promote and encourage the conservation and preservation of natural and cultural resources;
4. Encourage the efficient use of land by facilitating well-designed arrangements of buildings, streets, utilities, and other features;
5. Encourage energy efficiency and sustainable design;
6. Encourage the dedication of open space as an integral part of the development, ensure connectivity of open space with adjacent greenway corridors, and promote the development of passive and recreational activities; and
7. Preservation of rural character or small-town appeal.

SECTION 14.20 QUALIFYING CONDITIONS

A. UNIFIED CONTROL

The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit. However, this does not preclude an overall plan with individual/phased development sites served by shared common infrastructure, such as streets, public utilities, and stormwater management systems.

B. BUILDINGS AND SITE DESIGN

PUDs shall include a variety of building types, high-quality building materials, and superior architecture and site design.

C. RECOGNIZABLE BENEFITS

PUD projects shall achieve at least two (2) recognizable and substantial benefits listed in Section 14.10 B that would not be possible under the existing base zoning classifications.

SECTION 14.30 GENERAL REQUIREMENTS

A. BASE ZONING DISTRICT AND OVERLAY

PUD projects include a dual method of zoning, including a base zoning district and PUD overlay. Approval of a PUD is a rezoning and amends the Zoning Map to indicate a PUD overlay over the base zoning district.

B. BASE ZONING DISTRICT

1. A base zoning district is an underlying zoning district applicable to the subject property or a portion of the property. There may be more than one (1) base district per PUD project.
2. Should the applicable base zoning district not permit the desired use, a base district rezoning shall be necessary.
3. The base zoning district shall be the closest and most compatible district required for the proposed use and dimensional requirements.
4. The rezoning of the base zoning district may be considered concurrently with the PUD overlay district rezoning.

C. LAND USE

PUD projects shall comply with the land use regulation applicable to the base zoning district.

D. DIMENSIONAL REQUIREMENTS

A PUD shall comply with base zoning district dimensional and building requirements and other development requirements unless modifications are approved through the PUD process.

E. MAINTENANCE

For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to the Planning Commission. The provisions shall include mandatory membership of all property owners in any association designated to maintain the common area.

F. MODIFICATIONS

Base zoning district requirements, development requirements, and other requirements of this Ordinance may be modified as part of PUD approval by the Township Board. The applicant for a PUD shall identify, in a table format, all proposed modifications to zoning requirements (listing of the requirements and proposed modification to requirements). The Township Board may approve modifications if they are demonstrated to result in a higher quality of development that will satisfy one (1) or more of the following criteria:

1. Preserves the best natural features of the site and creates, maintains, or improves habitat for wildlife;
2. Creates, improves, or maintains open space for the residents; or
3. Results in a higher-quality commercial or residential development consistent with the purposes of PUD expressed in Section 6.10 and the recommendations of the Master Plan.

SECTION 14.40 RESIDENTIAL DENSITY

A. BASELINE DENSITY

The number of units permitted in a PUD development is determined from the parallel plan that establishes the baseline allowable density (Section 29.20 C.2).

B. DENSITY BONUS

1. Residential density may be increased at the discretion of the Township Board by including one (1) or more of the elements identified in subsection C. The bonus for each element shall be up to 10 percent of the units identified on the parallel plan.
2. The specific amount of the bonus shall be at the discretion of the Township Board, depending on the degree to which the applicant has addressed that element and the impact it has in contributing to the objectives sought to be achieved by the PUD.
3. The maximum density increase that any development may receive shall be 25 percent of the units identified on the parallel plan.
4. To qualify for a density bonus, the project area must be served by public water and sewer.

C. ELEMENTS

The applicant shall demonstrate one (1) or more of the following considerations to qualify for a density bonus:

1. Provide public amenities such as playgrounds, picnic facilities, or community centers of a size and scale commensurate with the size and scale of the neighborhood.
2. Include a variety of housing types with a range of styles and price points.
3. Provide fully accessible paths, trails, greenways, or other pedestrian and non-motorized transportation facilities for all users that are connected to or create a network of trails throughout the community.
4. Provide open space above what is required for PUDs (more than 25 percent).
5. Cleanup of site contamination and/or ecological restoration.
6. Incorporate stormwater management on-site that relies upon manufactured natural systems (such as bio-swales, rain gardens, or installed wetlands) and preserves the quality and integrity of existing natural areas.
7. Other similar elements as determined by the Planning Commission.

SECTION 14.50 OPEN SPACE

A. REQUIRED OPEN SPACE

1. **Minimum Requirement.** All PUDs shall preserve at least 25 percent of the project area as open space.
2. **Permanent Protection.** Open space shall be protected by a permanent mechanism, such as a deed restriction, conservation easement, or legal instrument approved by the Township.

3. **Township Board Discretion.** The Township Board may require that specific, unique natural amenities be included within the open space area for preservation purposes and maintained in their natural or agricultural condition. These resources include, but are not limited to:
 - a. forested wetlands;
 - b. areas abutting creeks and streams;
 - c. rare savanna and prairie ecosystems;
 - d. old-growth forested area;
 - e. aquifer recharge areas ;
 - f. wellhead recharge areas;
 - g. wildlife corridors connecting habitats;
 - h. lakes and ponds;
 - i. prime farmlands as defined by the U.S. Department of Agriculture; and
 - j. steep slopes

B. OBJECTIVES

Open space areas set aside as part of a PUD project shall accomplish one (1) or more of the following objectives:

1. **Recreational Space.** To provide common active and passive recreational space for use by the residents of the PUD.
2. **Environmental Protection.** To protect and preserve environmentally sensitive areas that may exist on the development site and enhance the rural character of the area (see Section 14.50 A.3).
3. **Rural Character.** To provide open space along public road corridors so as to maintain a natural character along public roadways in rural portions of the Township.

C. OPEN SPACE REQUIREMENTS

Land dedicated as common open space is subject to the following requirements:

1. To the extent possible, open space areas shall be continuous and connected throughout the development. Open space shall be large enough and of proper dimensions to contribute significantly to the purpose and objectives of the development. Except when provided along waterways or trails and paths, open space shall not be established as thin strips but as larger land masses to encourage general community use rather than simply private use by adjacent property owners. Wildlife corridors shall be considered when planning continuous and connected open space.
2. The majority of the total open space area within the development (minimum of 50 percent of the open space area) shall be located in one (1) contiguous area and shall be available for active or passive use by the residents of the development. The remaining portion of the open space requirement shall be divided into a minimum number of smaller areas.
3. Access to common open space shall be provided from all areas of the PUD by means of public or private streets or pedestrian access ways. Pedestrian accessways must be located within common open space or within a 20-foot easement. Surface type shall be at the discretion of the Township.
4. The PUD Concept Plan shall indicate the intended function of the open space, if applicable (i.e. passive use, playground, ball field, picnic area, trail, etc.).

5. As a condition of PUD approval and prior to the occupancy of any structure within the PUD (or within any phase of the PUD), the applicant shall be required to establish a property owners' association (or other similar organization acceptable to the Township) of which all residents or occupants of the PUD shall be required to become members through appropriate restrictions, covenants, and conditions. The property owners' association must be legally capable of assuming and shall assume the obligation to maintain the common open space as required by this section.
6. The Planning Commission and Township Board shall review the open space as a part of the site plan to ensure that it satisfies the intent of this section and shall have the discretion to require changes to the open space plan as a condition of approval.
7. The Township shall review and approve any and all projects and common area deed restrictions/restrictive covenants before they are executed and recorded.

D. AREAS NOT CONSIDERED OPEN SPACE

1. The area within any public street right-of-way or private street easements;
2. Any easement for overhead utility lines, unless adjacent to qualified open space;
3. 50 percent of wetland areas;
4. 100 percent of flood plain, water body, or steep slopes (25 percent or greater);
5. 50 percent of the area of any golf course;
6. The area within a platted lot or site condominium unit, unless the lot or unit has been dedicated to open space via conservation easement or other means of ensuring that the lot or unit is permanent open space;
7. For a conventional condominium, the minimum square footage necessary for lots and building types as required if established as a platted or site condominium development;
8. General common element land area around conventional condominium buildings. However, the area outside of a comparable or theoretical lot area surrounding a conventional condominium building may be counted;
9. Parking and loading areas; and
10. 50 percent of any stormwater detention or retention areas.

SECTION 14.60 REVIEW PROCESS AND STANDARDS OF APPROVAL

The PUD review process and standards of approval are included in Chapter 29 Planned Unit Development Review.

This page is intentionally blank